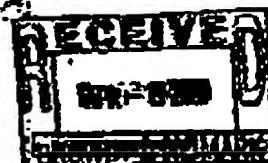


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1-02 P.M.2/24 F-62

(7)



UNITED STATES DEPARTMENT OF COMMERCE
U.S. PATENT AND TRADEMARK OFFICE
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Washington, D.C. 20540

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BROMLEY AND NEWMAYER, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20461-5203

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COMMISSIONER OF PATENTS AND TRADEMARKS

ADVOCACY ACTION

DOCKETED

Final 2316278687

THIS PAGE FOR REPLY:

3 months from the date of the final Office action starting consideration of the appeal.

10 months after the date from the time, one of the final Office actions, or upon the next date after January 1st, whichever is later, to file a new application for any right better than those shown in the following from the date of the final Office action.

Exclusion of time under 37 CFR 1.13(b)(2). The date on which the process under 37 CFR 1.13(b)(2) and the appropriate exclusion has been filed is the date for purposes of determining the period of invention and the corresponding period of pendency. The appropriate exclusion under 37 CFR 1.13(b)(2) by definition does not include the date of the subsequent voluntary cancellation, whether set in the final Office action, or if no such date is set, the date.

12 months from the date of the final Office action.

3/28/01 12 months from the date of the final Office action, whichever effect, shall be used to place the application in condition for allowance.

13 The proposed amendment to the claim and/or specifications will not be allowed and the final rejection stands because

a There have been no changes made to the proposed amendment to overcome any and all rejections earlier presented.

b They make new issues that would require further consideration under section 112.

c They introduce terms of new matter. (See Note).

d They do not request to place the application in further form for review by specifying particular language the Office has rejected.

e They present additional claims without overriding a corresponding number of claims rejected claims.

Note: Call Party of Action

14 Any proposed or selected claim _____ would be allowed if reduced to a reasonable and consistent with the allowable claim(s).

15 Upon the filing of appeal, the proposed amendment will be submitted will be submitted to the Board of Appeals.

16 The filing date of the appeal will be _____.

Claim allowed: _____

Claims rejected by: _____

Claim admitted: 10 - 14, 17 - 22, 24 - 27, 9

Reference: _____

17 Applicant's reply has overcome the following rejections:

18 The above, added or revised for reexamination has been submitted and considered in the following manner:

19 The above or exhibit will be considered because together it and claim(s) grant and define the same utility to the patent holder presented.

20 The proposed claims are new not otherwise covered by the invention.

21 Other: _____

Applicant may obtain further assistance by filing a request for an interview under 37 CFR 1.116 (O.R.P.).

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T-005 P-000/001 F-023

(X)

Application/Control Number: 08/875,916

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Art Unit: 1745

1. The period for reply CONTINUES to run THREE (3) MONTHS from the date of the final rejection. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the appropriate fee. The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. A reply within the meaning of 37 CFR 1.113 must be timely filed to avoid abandonment of this application.

2. The amendment filed 3/28/01 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

The proposed amendment raises new issues that would require further consideration and/or search. The terms "reduced quantity" (proposed claim 30) and "connecting tubes" (claim 31) would raise new issues under 35 USC §112. The phrase "migrate transversally to the solution flowing" would raise a new issue. The cancellation of claims 12 and 11 would render their dependent claims 26 and 29 incomplete.

The proposed amendment is not deemed to place the application in better form for appeal by materially simplifying the issues for appeal.

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T-001 P-000/M4 F-001

(9)

Application/Control Number: 08/675,916

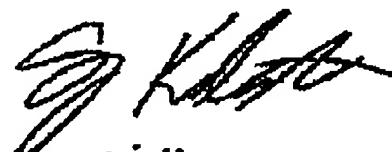
Page 3

Art Unit: 1745

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Steve Kalafut whose telephone number is (703) 308-0433. His supervisor, Gabrielle Brault-Lefebvre, may be reached at (703) 308-0736. The Technology Center receptionist may be reached at (703) 308-0661.

sjk

April 4, 2001


1700